

THIRD AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF DORCHESTER HOUSING ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

On August 20, 1981 the Authority voted to adopt a Report and Decision on the application of Dorchester Housing Associates. The project consists of the construction, operation and maintenance of 91 units for elderly and handicapped on approximately 50,000 square feet of land in the Dorchester section of Boston.

The applicant on April 14, 1983, submitted a request to amend the Report and Decision and application, as amended, to extend the time noted on Page 9, Paragraph 1 Sub-section (2) which stipulates that all outstanding real estate must be paid within "six months from the date of initial closing of the mortgage loan of the project...". Said initial closing was completed on May 11, 1982.

The applicant requests the Authority extend the time within which such tax arrearages must be settled from twelve (12) months from the date of initial closing (May 11, 1982) to 18 months from the date of initial closing or until "Completion of the Project" whichever is earlier. "Completion of the Project" means certification of 100% completion from the appropriate funding source, i.e., HUD, MHFA, FHA and/or occupancy of 90% of the dwelling units.

The amount of taxes (\$80,249.90) is presently the subject of an abatement application under Chapter 58, Section 8 of Massachusetts General Laws. The Commissioner of Assessing has authorized the corporation counsel to pursue approval from the Department of Revenue for abatement of the above-noted taxes in accordance with the afore-cited statutes. The Tax Title Division of the Corporation Counsel's Office is still awaiting State action. The Division is confident the abatements will be granted.

The grant of this extension will enable the developer to pursue his project in a timely manner without adversely affecting the City's tax position. The developer has deposited a letter of credit in the amount of \$90,000 and entered into an escrow agreement with the Chicago Title Insurance Company on this matter. (See appended Ex. 1, 2 & 3).

The extension is granted on condition that the earlier conditions cited on tax arrearages in the original Report and Decision must be complied with within the extension period or this Board's action of August 20, 1981 adopting the Report and Decision and any subsequent amendments are null and void without further action of this Board.

MCCORMACK & ZIMBLE

225 Franklin Street/Boston, Massachusetts 02110/Telephone (617)482-1400

EDWARD J. McCORMACK, JR., P.C.
KENNETH H. ZIMBLE, P.C.
NORMAN I. HASSMAN, P.C.
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JAMES H. GREENE, P.C.
STEPHEN K. FISCHER
RONDA SILBERBERG CANTER
MARTHA J. McMAHON
JONATHAN F. ATWOOD

of Counsel
ANGELO J. FIUMARA

April 14, 1983

Mr. William E. McGrath
121A Coordinator
Boston Redevelopment Authority
One City Hall Square
Boston, Massachusetts

RE: Dorchester Housing Associates

Dear Bill:

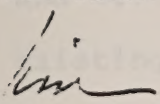
Enclosed please find two original and ten copies of a request for a Third Amendment to the Application for Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960 for the Dorchester House project. I also enclose a check for \$500.

This amendment is filed with the Authority in order to request an extension of the time in which to resolve the outstanding real estate taxes assessed on the project area.

Once you have had a chance to review this Amendment, please call me so that we can discuss the scheduling for a Board hearing.

Very truly yours,

MCCORMACK & ZIMBLE


James H. Greene, P.C.

JHG/crf
Enclosures

cc: Robert F. Walsh
Thomas P. Shanley

52 1

THIRD AMENDMENT TO APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT
UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.)
CHAPTER 121A, AS AMENDED, AND CHAPTER 652
OF THE ACTS OF 1960

I. PRELIMINARY STATEMENT

On August 6, 1981, the Boston Redevelopment Authority, (hereinafter the "Authority") voted to adopt a document entitled "Report and Decision of the Application of Dorchester Housing Associates for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.) Chapter 121A, As Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Formed Under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A". Paragraph I of said Report and Decision imposed conditions upon Dorchester Housing Associates, the Massachusetts limited partnership formed to undertake the construction of the Project described therein, and certain obligations with respect to the payment of then existing real estate tax arrearages. Said paragraph I provides in part for the payment in or within six (6) months from the date of initial closing for the mortgage loan of the Project for all amounts of outstanding real estate taxes, plus interest.

On October 28, 1982, the Authority voted to adopt the document entitled "Second Amendment to the Application for

Authorization and Approval of a Project Under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960". Said Second Amendment extends the time for the payment of the real estate taxes from six (6) months from the date of initial closing to twelve (12) months from the date of initial closing.

II. ACTION REQUESTED

Applicant hereby requests the Authority to extend the time within which such tax arrearages are to be settled from twelve (12) months from the date of initial closing as aforesaid to eighteen (18) months following said initial closing.

III. EXPLANATION OF REQUESTED ACTION

In appearances before the Authority, counsel for the Applicant made known to the Authority that an application for permission to abate substantial real estate tax arrearages upon the Project Area had been filed with the Commissioner of Assessing for the City of Boston. Such application sought to utilize the relief provisions of Massachusetts General Laws, Chapter 58, Section 8. The above referenced provisions of paragraph I of the Report and Decision reflect the willingness of the Authority to grant to the applicant sufficient time to pursue to conclusion proceedings under Chapter 58, Section 8. In compliance with the provisions of said paragraph I, the Applicant

(i) deposited a letter of credit in the amount of Ninety Thousand and 00/100 (\$90,000.00) and entered into an escrow agreement with Chicago Title Insurance Company secured by a letter of credit and (ii) pursued the application for abatement under Chapter 58, Section 8.

The Commissioner of Assessing of the City of Boston has authorized the Corporation Counsel of the City of Boston to obtain approval from the Department of Revenue for the abatement of unpaid real estate taxes as outlined in the letter dated July 1, 1981. An application has been filed by the Corporation Counsel's office with the Department of Revenue to obtain statutory authorization for this abatement request and several administrative steps remain to be taken by the Department of Revenue and subsequently by the Assessing Department upon authorization of this abatement. The six (6) month extension of the time period within which taxes must be paid as contained in paragraph I of the Report and Decision as amended will enable the completion of those administrative steps. Applicant therefore respectfully requests that the Authority grant said six (6) month extension in furtherance of the intent of the Report and Decision for the Dorchester House Project.

Executed this 13th day of April, 1983.

DORCHESTER HOUSING ASSOCIATES

By: *Robert F. Walsh*
Robert F. Walsh, General Partner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

April 13, 1983

Then personally appeared before me the above named, Robert F. Walsh, who being duly sworn, acknowledged that he executed the foregoing instrument to be his free act and deed and that the statements set forth therein are true.

James S. Lunn
Notary Public

My Commission Expires: 8/23/85



MCCORMACK & ZIMBLE

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BENJAMIN J. BRETTLER
MARTHA J. McMAHON
of Counsel
ANGELO J. FIUMARA

July 1, 1981

Mr. Leo D. McNiff
Director
Tax Title Division
Law Department
615 City Hall
Boston, Massachusetts

RE: Dorchester House Senior Housing, Inc.

Dear Mr. McNiff:

This letter is written on behalf of Dorchester House Senior Housing, Inc., which intends to acquire six parcels of property in the Fields Corner/Meeting House Hill area of Dorchester and to develop thereon 91 units of elderly congregate housing (the "Project"). An application has been submitted to the Massachusetts Housing Finance Agency ("MHFA") for construction and permanent financing for the Project and it is expected that a loan commitment from MHFA will be granted in the first week of July. Additionally, an application will be submitted to the Boston Redevelopment Authority ("BRA") pursuant to Chapter 121A seeking project approval under said chapter.

In determining that the project area qualifies as a blighted open area, the BRA will be asked to consider in addition to other relevant factors, the current tax situation on the site. The six parcels of land have been vacant since 1977 as a result of fires and the subsequent demolition of the buildings pursuant to emergency take down orders of the Building Department of the City of Boston. Additionally, the parcels have been encumbered with tax titles by the City of Boston and are in the final stages of foreclosure actions by the City. I have set forth below a list of the properties by ward, parcel, address, current owner, taxes and date of taking by the City:

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Mr. Leo D. McNiff
July 1, 1981
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<u>WARD</u>	<u>PARCEL</u>	<u>ADDRESS</u>	<u>OWNER</u>	<u>TAXES AS OF 1/16/81</u>	<u>DATE OF TAKING</u>
15	543	158 Rear Adams Street	Campbell Robert F.	21,302.15	9/6/77
15	543-1	158 Adams Street	Pitnoff, Arthur H. Trsts.	2,941.16	12/1/78
15	546	26-28 Ellet Street	Sears, Isaiah I.	12,422.93	9/13/77
15	547	22-24 Ellet Street	Brown, William A.	15,244.95	9/13/77
15	548	14-16 Ellet Street	Brown, William A.	13,903.48	9/13/77
15	549	10-12 Ellet Street	Brown, William A.	<u>14,435.23</u>	9/13/77
TOTAL TAXES AS OF JANUARY 16, 1981				80,249.90	

I have also prepared for your review a statement for each of the parcels, listing the actual net real estate tax assessed for each of the years for which taxes remain unpaid. These statements also include a calculation of the Building Department take down charges and the total charges for taxes, interest, cost, etc. as reflected on municipal lien certificates issued on January 16, 1981. Copies of these certificates are also enclosed.

As previously mentioned, the Project will be financed by a mortgage loan from MHFA, which loan is to be evidenced by a loan commitment specifying and limiting the amount of dollars for the construction, financing and acquisition of the Project. Initial review indicates that MHFA will allocate only \$90,000 for acquisition costs from available mortgage proceeds. This restriction on acquisition costs has placed the Project in a precarious situation, whereby assistance from the City is

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urgently needed to insure the success of the development. It is because of this situation that we request the application of G.L. c. 58, s. 8 to the existing tax encumbrances on the project site.

In support of this request, I have prepared an analysis of a proportionate land valuation as applied to the site. An abatement of the taxes would be based upon a reduction of the valuation of each of the six parcels for the years 1977 through 1981 based upon a land value of \$0.20 per square foot of area. The building values for these years would be zero, as a reflection of the destruction of the buildings by fire and the subsequent emergency building take downs by the Building Department in 1977. The land valuation of \$0.20 is based upon the actual land assessment of the largest parcel, 158 Rear Adams Street, parcel 543, of \$0.20, and is applied to the entire site, which is considered as one parcel and not separate building lots. Set forth below are the adjusted values for the years 1977 through 1981 based upon this approach:

<u>PARCEL</u>	<u>AREA</u>	<u>LAND VALUE/SQ.FT.</u>	<u>ASSESSED VALUE</u>
543	16,113	.20	3,200 (Current)
543-1	6,434	.20	1,200
546	2,800	.20	500
547	6,200	.20	1,200
548	6,300	.20	1,200
549	5,476	.20	1,000

The total value for the site would then equal 8,300 which, when applied to the applicable tax rates for the years 1977 to 1981, equals the following tax levy for the entire site:

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Mr. Leo D. McNiff
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<u>YEAR</u>	<u>ASSESSED VALUE</u>	<u>TAX RATE</u>	<u>TAX LEVY</u>
1977	8,300	252.90	2,099.07
1978	8,300	252.90	2,099.07
1979	8,300	252.90	2,099.07
1980	8,300	252.90	2,099.07
1981	8,300	272.70	<u>2,263.41</u>
			10,659.69

In addition to assuming the payment of these taxes, the Project would also assume the building take down charges, which have been expended by the City, and all of the taxes, as previously assessed by the City for the years before 1977. These amounts are as follows:

<u>PARCEL</u>	<u>BUILDING TAKE DOWN CHARGES</u>	<u>1975 TAX</u>	<u>1976 TAX</u>	<u>TOTAL</u>
543	4,400.00	953.99	953.99	6,307.98
543-1	-0-	-0-	-0-	-0-
546	3,790.00	-0-	1,552.93	5,342.93
547	4,100.00	-0-	1,691.62	5,791.62
548	4,100.00	-0-	1,671.95	5,771.95
549	4,100.00	-0-	1,671.95	<u>5,771.95</u>
Total Payment				28,986.43

Based upon a tax payment calculated on an adjusted valuation for the years 1977 through 1981, a tax payment based upon actual

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Mr. Leo D. McNiff
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assessed values for the years before 1977 and the actual building take down charges, the total payment to the City would equal \$39,646.12.

In order for this payment to be made and releases obtained from the City, we respectfully request that permission be sought from the Department of Revenue for authorization to the Commissioner of Assessing to abate the following amounts pursuant to G.L. c. 59, s. 8:

158 Rear Adams Street 15/543
Campbell, Robert F. et al

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1975	1,907.99	(954.00 paid)	all	953.99
1976	1,907.99	(954.00 paid)	all	953.99
1977	2,453.13	1,643.85	all	809.28
1978	2,453.13	1,643.85	all	809.28
1979	2,453.13	1,643.85	all	809.28
1980	809.28	-0-	all	809.28
1981	872.64	-0-	all	872.64

158 Adams Street 15/543-1
Pitnoff, Arthur H. Trst.

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1978	834.57	531.09	all	303.48
1979	834.57-	531.09	all	303.48
1980	328.77	25.29	all	303.48
1981	354.51	27.27	all	327.24

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Mr. Leo D. McNiff
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Page 6

26-28 Ellet Street 15/546
Sears, Isaiah, I.

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1976	1,552.93	-0-	all	1,552.93
1977	1,997.91	1,871.46	all	126.45
1978	252.90	126.45	all	126.45
1979	252.90	126.45	all	126.45
1980	252.90	126.45	all	126.45
1981	272.70	136.35	all	136.35

22-24 Ellet Street 15/547
Brown, William A.

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1976	1,691.62	-0-	all	1,691.62
1977	2,174.94	1,871.46	all	303.48
1978	404.64	101.16	all	303.48
1979	404.64	101.16	all	303.48
1980	404.64	101.16	all	303.48
1981	436.32	109.08	all	327.24

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Mr. Leo D. McNiff
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14-16 Ellet Street 15/548
Brown, William A.

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1976	1,671.95	-0-	all	1,671.95
1977	2,149.65	1,846.17	all	303.48
1978	404.64	101.16	all	303.48
1979	404.64	101.16	all	303.48
1980	404.64	101.16	all	303.48
1981	436.32	109.08	all	327.24

10-12 Ellet Street 15/549
Brown, William A.

<u>YEAR</u>	<u>TAX ASSESSED</u>	<u>TAX ABATED</u>	<u>INTEREST & COSTS ABATED</u>	<u>NET TAX LEVY</u>
1976	1,671.95	-0-	all	1,671.95
1977	2,149.65	1,896.75	all	252.90
1978	354.06	101.16	all	252.90
1979	354.06	101.16	all	252.90
1980	354.06	101.16	all	252.90
1981	381.78	109.08	all	272.70

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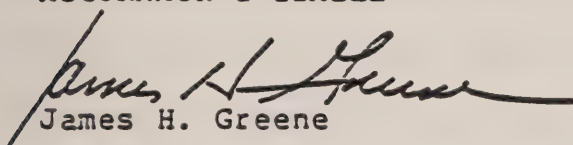
Mr. Leo D. McNiff
July 1, 1981
Page 8

As previously stated, it is only with the City's assistance in this matter that the Project can become a reality. The developer is mindful of the extraordinary relief sought by this letter, but submits that consideration should be given to the urgent need for the construction of 91 units of elderly housing which will be accomplished during a period of high interest rates and soaring construction costs. Additionally, the city by granting this relief will not only insure the development of 91 housing units, but will also benefit from the future in-lieu tax revenues of the project in excess of \$70,000 a year.

I would appreciate your attention to this matter and I will be happy to meet with you and members of your staff concerning this request.

Very truly yours,

MCCORMACK & ZIMBLE



James H. Greene

JHG/crf
Enclosures

cc: w/o enc.
Harold J. Carroll, Esquire
Raymond G. Torto
Lowell L. Richards, III, Esquire
Robert J. Ryan, Esquire
Robert F. Walsh
James A. Hooley
Edward J. Fish
Terrance J. Farrell, Esquire

necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

Further, the Authority is aware that substantial real estate tax arrearages exist for the properties within the Project Area and that the Applicant is in the process of negotiating with the Commissioner of Assessing for the City of Boston for abatement of such arrearages. The approval of the Project as hereby granted by the Authority is conditioned in all respects upon (1) the placement in escrow by Dorchester Housing Associates with the title insurance company of an amount equal to the unpaid real estate taxes, together with an amount sufficient to cover such interest as may accrue within six months; and (2) the payment in or within six months from the date of initial closing for the mortgage loan of the Project of all amounts of outstanding real estate taxes, plus interest. In the event that the conditions contained in this paragraph are not complied with, then the action of the Board is null and void, without further action on the part of the Authority.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and Boston Zoning Ordinance, but the carrying out of the Project will not require a declaration of the Authority, with the approval of the Mayor, that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

The Applicant is informed and believes that the Project Area does not include land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

J. Zoning and Building Code Deviations. Appendix X filed with and attached to the Application lists the zoning and building deviations. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the below zoning deviations are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations.

1. Permission is granted to deviate from the requirement of Article 10, section 10-1, of the Code, Accessory Uses, Limitation of Area. Section 10-1 prohibits the use of front yards and limits the use of rear and side yards in residential districts for any accessory use including off-street parking. The Project is designed to provide 19 parking spaces in the front and rear yards. Therefore permission is granted to deviate from the Accessory Use, Limitation of Lot Area requirement by waiving this requirement for the Project.

2. Permission is granted to deviate from the requirement of Article 14, Section 14-2, of the Code, Lot Area per Dwelling Unit. Section 14-2 requires that the minimum lot area per dwelling units conform to the requirement set forth in Table B of Article 13 Section 13-1 of the Code. The minimum lot area per dwelling unit the minimum lot area required and that provided for the Project is as follows:

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225 Franklin Street/Boston, Massachusetts 02110/Telephone (617)482-1400

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JONATHAN F. ATWOOD

of Counsel
ANGELO J. FIUMARA

April 27, 1983

Mr. William E. McGrath
121A Coordinator
Boston Redevelopment Authority
One City Hall Square
Boston, Massachusetts

RE: Dorchester House

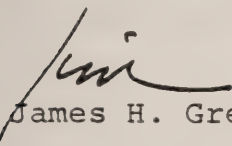
Dear Bill:

I am enclosing for your files a copy of the following documents which relate to the requested amendment to the Dorchester House Report and Decision.

1. Application for an Extension of the Letter of Credit
2. Fourth Amendment to the Escrow Agreement

Very truly yours,

MCCORMACK & ZIMBLE



James H. Greene, P.C.

JHG/crf
Enclosures

APPLICATION FOR AMENDMENT TO IRREVOCABLE LETTER OF CREDIT
(CUSTOMER)

FLEET NATIONAL BANK
International Division
P.O. Box 516
Providence, R.I. 02901

FOR BANK USE ONLY

CHECKED BY: _____

OFFICER APPROVAL: _____

Advising Bank
(As Shown on L/C)

Direct to Beneficiary

Applicant

Dorchester Housing Associates
536 Granite Street
Braintree, MA 02184

Beneficiary
(As Shown on L/C)

Chicago Title Insurance Company
133 Federal Street
Boston, MA 02110

Account No.: _____

Amount _____

(As Shown on L/C)

Letter of Credit No.: S82-5024

REFERRING TO THE ABOVE MENTIONED LETTER OF CREDIT ISSUED ON OUR (MY) ACCOUNT, WE (I) HEREBY
AUTHORIZE YOU TO MAKE THE FOLLOWING AMENDMENT(S):

☐ CREDIT AMOUNT TO BE INCREASED BY U.S. \$ _____.

☐ EXTEND LATEST SHIPPING DATE TO _____.

☒ EXTEND LATEST NEGOTIATION DATE TO December 1, 1983.

☐ OTHER (please specify) _____

THIS (THESE) AMENDMENT (S) IS (ARE) TO BE ADVISED BY: ☐ AIRMAIL ☐ CABLE

IN CONSIDERATION OF YOUR MAKING THE ABOVE AMENDMENT (S), WE (I), INTENDING TO BE LEGALLY BOUND,
HEREBY AGREE TO FULFILL ALL THE TERMS AND CONDITIONS SET FORTH IN THE ORIGINAL APPLICATION AND
AGREEMENT FOR THE FOREGOING LETTER OF CREDIT, WHICH APPLICATION AND AGREEMENT, AS AMENDED
HEREBY, SHALL REMAIN IN FULL FORCE AND EFFECT.

April 22, 1983

Date

GUARANTOR: PEABODY CONSTRUCTION CO., INC.

Thomas P. Shanley
Treasurer

Name DORCHESTER HOUSING ASSOCIATES

(Corporation, Firm, or Individual)

Address

Authorized

Signature

BY:

and Title(s)

Guarantor

DORCHESTER HOUSE HOUSING CORPORATION

ITS GENERAL PARTNER

Thomas P. Shanley, Treasurer

536 Granite Street,
Braintree, MA 02184

FOURTH AMENDMENT TO ESCROW AGREEMENT

THIS AGREEMENT entered into the *13th* day of *April*, 1983, by and between Dorchester Housing Associates, a Massachusetts limited partnership (the "Owner") and Chicago Title Insurance Company ("Chicago").

WHEREAS, Owner and Chicago entered into an Escrow Agreement dated February 16, 1982, pursuant to which Chicago was given security for the payment of certain real estate taxes against which it has insured in title policy 8151-03642, and

WHEREAS, Owner is pursuing an abatement of said taxes under the provisions of Massachusetts General Laws, Chapter 59, Section 8, and is awaiting final approval of such abatement from the Department of Revenue of the Commonwealth of Massachusetts.

NOW, THEREFORE, the parties agree as follows:

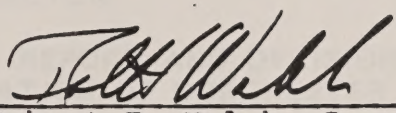
1. Paragraph 3 of the Escrow Agreement is hereby amended by substituting the date "December 1, 1983" in place of the date of May 1, 1982 therein set forth.

2. The letter of credit drawn on the Industrial National Bank shall be extended from to May 1, 1983 to December 1, 1983.

3. Except as modified in paragraph 1 and 2 hereof, all of the terms and provisions of said Escrow Agreement are hereby ratified and confirmed and shall continue in full force and effect between the parties.

EXECUTED under seal the day and date first above written.

DORCHESTER HOUSING ASSOCIATES

By: 
Robert F. Walsh, General Partner

CHICAGO TITLE INSURANCE COMPANY

BY: _____

MEMORANDUM

April 28, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY 4302

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: THIRD AMENDMENT TO REPORT AND DECISION ON THE
CHAPTER 121A APPLICATION OF DORCHESTER HOUSING
ASSOCIATES

On August 20, 1981, the Authority voted to adopt a favorable Report and Decision on the 121A Application of Dorchester Housing Associates. The Project consists of the construction, operation and maintenance of 91 units of housing for elderly and handicapped on approximately 50,000 square feet of land in the Dorchester section of the City of Boston.

On April 14, 1983, the Applicant submitted a request for a third amendment to the Application.

A condition of the Report and Decision was that some \$80,249.90 in tax arrearages plus interest be paid within six months of the original closing of the project loan. In addition, Dorchester Housing Associates, in compliance with a further escrow condition, placed a \$90,000 letter of credit with the Chicago Title Insurance Company to cover such tax payments plus accrued interest. The project closing was on May 11, 1982.

The Commissioner of Assessing has authorized the Corporation Counsel to seek abatement of the above noted taxes under the relief provisions of Massachusetts General Laws Chapter 58, Section 8. An Application has been filed with the Commonwealth's Department of Revenue to obtain statutory authorization of the abatement. However, the state has not yet responded. Hence, the developer seeks a six-month extension of the amended six-month period the Board allowed for settlement of the tax arrearages. Thus, Dorchester Housing Associates would have the time for compliance extended to November 11, 1983 or until "Completion of the Project" whichever date comes earlier.

In the opinion of the Chief General Counsel, this amendment does not represent a fundamental change nor does it require a public hearing. It is, therefore, recommended that the Authority adopt the attached Amendment to the Application and Report and Decision.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled "Third Amendment to the Report and Decision on the Application of Dorchester Housing Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A" be and is hereby approved and adopted.